

REMARKS

In the outstanding Official Action, the Examiner:

(1) rejected claims 3 and 9 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention;

(2) rejected claims 1-5, 8, 10-18, 23-31 and 32 under 35 USC 103(a) as being unpatentable over Pellegrino et al. in view of DeLaHuergera;

(3) rejected claims 6, 7 and 9 under 35 USC 103(a) as being unpatentable over Pellegrino et al. in view of DeLaHuergera, further in view of Belknap et al.;

(4) rejected claim 19 under 35 USC 103(a) as being unpatentable over Pellegrino et al. in view of DeLaHuergera, further in view of Lee et al.; and

(5) rejected claims 20-22 under 35 USC 103(a) as being unpatentable over Pellegrino et al. in view of DeLaHuergera, further in view of Linton.

In response to Item 1 above, Applicant has now amended claims 3 and 22 so as to more clearly define the present invention. Claim 3 is now amended to replace "the intervals" with -- time intervals --. Claim 22 is amended to replace "the sum" with -- a sum --. Inasmuch as claim 9 does not include the term "the sum" as indicated in the outstanding Official Action, Applicant has now amended claim 22 rather than claim 9. If this is incorrect, clarification is respectfully requested. Accordingly, claims 3 and 22 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

In response to Item 2 above, Applicant respectfully traverses the rejection of claims 1-5, 8, 10-18, 23-31, and 32 under 35 USC 103(a) as being unpatentable over Pellegrino et al. in view of DeLaHuerga. Reconsideration of claims 1-5, 8, 10-18, 23-31, and 32 is respectfully requested.

Independent claim 1 comprises a system for delivering an educational program to a participant at a remote site, the system comprising prompting means for prompting the participant for a response during the educational program, the prompting means terminating the educational program when the response is inadequate from the participant. The prompting means of the present invention monitor and verify that the participant actively works through the educational program. This is particularly important inasmuch as the present invention provides a system for delivering an educational program in which program credit is awarded on the basis of program viewing rather than on the basis of passing specific examinations.

Applicant believes that Pellegrino et al. disclose a system for delivering an educational program to a participant at a remote site, and a logon page for directing the user to various home pages. Applicant has carefully reviewed Pellegrino et al. and believes that Pellegrino et al. do not teach or suggest prompting means for prompting a participant for a response during an educational program.

Applicant further believes that DeLaHuerga discloses a data collection system for securing gathering, storing, and accessing information used in a hospital. Applicant has carefully reviewed DeLaHuerga and believes that DeLaHuerga does not teach or suggest prompting means for prompting a participant for a response during an educational program.

Applicant believes that neither Pellegrino et al. nor DeLaHuerger, either alone or in combination with one another, teach or suggest the prompting means of the present invention for prompting a participant for a response during an educational program, and the prompting means terminating the educational program when the response is inadequate from the participant. Applicant believes that each of Pellegrino et al. and DeLaHuerger teach away from the present invention as claimed in that each one is configured to allow secure access to data within a system rather than provide prompting means which terminate an educational program when a response is inadequate from a participant. Applicant further believes that DeLaHuerger is not prior art with respect to the above-identified patent application inasmuch as DeLaHuerger discloses a system for providing secure access to hospital data rather than a system for delivering an educational program. Applicant also believes that DeLaHuerger is not prior art with respect to the above-identified patent application inasmuch as DeLaHuerger has a later filing date and publication date than the above-identified patent application. Accordingly, independent claim 1 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Independent claim 32 comprises a method for delivering an educational program to a participant at a remote side, the method comprising prompting the participant for a response during the educational program, and terminating the educational program when the response is inadequate from the participant. For at least the reasons identified herein above, Applicant believes that neither Pellegrino et al. nor DeLaHuerger, either alone or in combination with one another, teach or suggest a method for delivering an educational program to a participant at a remote

site, the method comprising prompting a participant for a response during an educational program, and terminating the educational program when the response is inadequate from the participant. Applicant believes that each of Pellegrino et al. and DeLaHueraga teach away from the present invention as claimed in that each one is configured to allow secure access to a system rather than provide prompting means which terminate an educational program when a response is inadequate from the participant. Applicant further believes that DeLaHueraga is not prior art with respect to the above-identified patent application inasmuch as DeLaHuega discloses a method for providing secure access to hospital data rather than a method for delivering an educational program. Applicant also believes that DeLaHueraga is not prior art with respect to the above-identified patent application inasmuch as DeLaHueraga has a later filing date and publication date than the above-identified patent application. Accordingly, independent claim 32 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claims 2-5, 8, 10-18 and 23-31 which depend either directly or ultimately from independent claim 1, are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 2-5, 8, 10-18 and 23-31 is respectfully requested.

In response to Items 3-5 above, Belknap et al., Lee et al., and Linton have been carefully reviewed, and Applicant believes that none of the prior art of record, either alone or in combination with one another, teach or suggest prompting means for prompting a participant for a response during an educational program. Claims 6, 7, 9 and 19-22, which depend either directly or ultimately from independent claim 1, are believed to be

allowable for at least the reasons identified hereinabove. Accordingly, allowance of claims 6, 7, 9 and 19-22 is respectfully requested.

In view of the forgoing, claims 1-32 are believed to be in condition for allowance. Early and favorable reconsideration is therefore respectfully requested.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

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July 29, 2003

(DATE OF DEPOSIT)

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July 29, 2003

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Respectfully submitted,

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